

S/N 10/714,567

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul Wentworth et al.	Examiner: David Venci
Serial No.:	10/714,567	Group Art Unit: 1641
Filed:	November 14, 2003	Docket: 1361.028US1
Title:	ANTIBODY MEDIATED OZONE GENERATION	

RESPONSE TO RESTRICTION REQUIREMENT

MS AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant has reviewed the Restriction Requirement mailed February 8, 2005, wherein the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-20, drawn to a method, classified in class 436/127, for example.
- II. Claims 21-44, drawn to a method, classified in class 435/7.21, for example.

Applicant provisionally elects, with traverse, the claims of Group I, claims 1-20.

The Restriction Requirement is traversed on the grounds that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. Hence, it is submitted that Applicant should not be required to incur additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter.

It is respectfully submitted that the search and examination of all of the claims of the present application can be made without serious burden on the Office. Claims 1-44 are directed to various aspects of detecting immune responses and inflammation and identifying agents for modulating the activity of immune cells. Given the relationship between the subject matter of the claims, no additional serious burden can result from the search and examination of all of the claims. Reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

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If the Examiner maintains the Restriction Requirement, Applicant reserves the right to file divisional application(s) on the non-elected claims.